

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

N.J.A.C. 5:23-11

§ 5:23-11.1 Subcode adopted

(a) Pursuant to authority of P.L. 1999, c.50 (*N.J.S.A. 52:27D-123.9 et seq.*), the Commissioner hereby adopts the playground safety guidelines of the United States Consumer Product Safety Commission, known as the 1997 edition of the "Handbook for Public Playground Safety" (Pub. No. 325). These guidelines are hereby adopted by reference as the Playground Safety Subcode for New Jersey.

1. Copies of these guidelines may be obtained from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington, DC 20207.

2. The "Handbook for Public Playground Safety" may be known and cited as the "Playground Safety Subcode."

(b) Only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory. Guidelines concerning supervision and training of personnel shall be deemed to be advisory only.

§ 5:23-11.2 Definition

For purposes of this subchapter, "playground" shall mean an improved area designed, equipped, and set aside for play of six or more children, which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

§ 5:23-11.3 Enforcement of subcode

(a) No permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the State Uniform Construction Code.

(b) Compliance with the requirements of this subcode shall be the responsibility of the manager of the facility, of the owner of the facility and of the agency responsible for the administration of the facility.

(c) The facility manager and/or facility owner or agency responsible for administration of the facility shall certify in writing that any work performed complies with, and the facility is maintained in accordance with, all applicable provisions of this subcode and shall retain this certification on file.

(d) Complaints regarding lack of compliance with this subcode shall be in writing and shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager or owner or administering agency shall respond in writing within 30 days to any written complaint received detailing the

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position taken with respect to the complaint. If the facility manager or owner or administering agency fails to respond in a manner satisfactory to the party registering the complaint, then the party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38.

§ 5:23-11.4 Compliance schedule

(a) All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2007 for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.

(b) All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2014 for all other elements.

(c) All newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity more than six months after October 18, 1999 shall conform to the requirements of this subcode.

(d) All construction or alteration of playgrounds, playground equipment and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode (N.J.A.C. 5:23-7).

1. In accordance with N.J.A.C. 5:23-7.18(d) and ICC/ANSI A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm and slip-resistant. Sand and gravel shall therefore not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is therefore applicable.